

§ 1759. ESSENTIAL MAINTENANCE PRACTICES

(a) For the purposes of this section, all paint is presumed to be lead-based unless a certified inspector has determined that it is not lead-based. All owners of rental target housing and child care facilities shall perform the following essential maintenance practices on their property:

(1) Take all reasonable precautions to avoid creating lead hazards during any renovation, remodeling, maintenance or repair project that disturbs a lead-based painted surface pursuant to guidelines issued by the department. The guidelines shall include the following requirements:

(A) A prohibition against lead-based paint removal by burning, water blasting, dry scraping, power sanding, or sandblasting, unless authorized by the department.

(B) Use of good work practices and safety precautions to prevent the spread of lead dust, including limiting access to work areas to workers, covering the work area with six mil polyethylene plastic or the equivalent, wearing of protective clothing by workers, protecting belongings of occupants by covering or removing them from the work area, misting painted surfaces before disturbing the paint and wetting sweeping debris.

(C) At the conclusion of the work, specialized cleaning of the work area shall be performed using methods designed to remove lead dust and recommended by the department.

(2) Perform visual on-site inspections of all interior and exterior surfaces and fixtures of the building to identify deteriorated paint and install window well inserts into all windows, or protect window wells by another method approved by the department, no later than July 1, 1998; thereafter, visual on-site inspections shall be performed annually and upon a change of tenant.

(3) At each change of tenant, and annually in units in which a child six years of age or younger resides clean all window wells and window sills within the unit and in all areas of the building to which access by tenants is not restricted by the rental agreement. The cleaning shall be accomplished by using cleaning methods, products and devices that are effective in the removal of lead-contaminated dust and recommended by the department.

(4) Promptly and safely remove or stabilize lead-based paint if more than one square foot of deteriorated lead-based paint is found on any interior surface located within any area of the building to which access by tenants is not restricted by the rental agreement or on any exterior porch or an exterior wall, surface or fixture within the exterior porch. An owner shall restore the surfaces to be free of deteriorated lead-based paint within 30 days after deteriorated lead-based paint has been visually identified or within 30 days after receipt of a written or oral report of deteriorated lead-based paint from a tenant or from an owner of a child care facility. If exterior repair work is identified after November 1 of any year, the repair may be delayed for completion until no later than May 31 of the following year.

(5) If more than one square foot of deteriorated paint is found on any exterior wall surface or fixture not covered by subdivision (4) of this subsection and is located in an area frequented by children six years of age or younger in warm weather, the owner shall:

(A) promptly and safely repair and stabilize the paint and restore the surface; or

(B) prohibit access to the area, surface or fixture to assure that children will not come into contact with the deteriorated lead-based paint. (6) Provide written LBP hazard information prepared or approved by the department to current and prospective tenants and current and prospective owners of child care facilities.

(7) Post, in a prominent place in buildings containing rental target housing units or a child care facility, a notice to occupants emphasizing the importance of promptly reporting deteriorated paint to the owner or to the owner's agent. The notice shall include the name, address, and telephone number of the owner or the owner's agent.

(8) Attend a training program offered or approved by the department. The training, which shall be available to any person who repairs, remodels or renovates property, shall be attended by the owner, the owner's property manager, or a representative of the owner's regular maintenance staff.

(9) Ensure that any person who performs essential maintenance work has completed a department-approved training program or is being supervised on-site by a person who has completed the training program and complies with the essential maintenance practices.

(10) At each change of tenant, the owner shall clean all horizontal surfaces, except ceilings, within all areas of the building used by tenants and not otherwise restricted by the rental agreement. This cleaning shall be done by using cleaning methods, products and devices prescribed by the department that are effective in cleaning up lead-contaminated dust, such as vacuum cleaners with HEPA filters, and wet-cleaning with trisodium phosphate or other lead specific detergents.

(b) When the essential maintenance practices are completed, the owner shall sign an affidavit indicating that, to the best of the owner's knowledge and belief, the essential maintenance practices have been performed, the dates they were completed, and by whom they were performed. The owner shall file the affidavit with the owner's liability insurance carrier and the department. Annually, the owner shall conduct a visual check, perform required essential maintenance practices, and sign and file an affidavit as required by this subsection